

**Town of Sunset Beach
Monthly Council
Work Session & Regular Meeting
July 2, 2012**

MINUTES

Members Present: Mayor Richard Cerrato, Mayor Pro-Tem Lou DeVita, Councilwoman Karen Joseph, Councilwoman Carol Scott, Councilman Wilson Sherrill, and Councilman Mike Williams.

Members absent: None

Attorney & Staff Present: Gary Parker, Town Administrator; Mike Isenberg, Town Attorney; Kevin Dempsey, Fire Chief; Lisa Massey, Police Chief; Sandy Wood, Building Inspector; Dustin Graham, Public Works Director; Donna Rogers, Finance Director and Lisa Anglin, Town Clerk.

**Work Session
6:45 pm**

Mayor Cerrato called the Work Session to order, called for agenda amendments, and general discussions by the Council.

Council Discussion

Unified Development Ordinance (UDO)

Councilwoman Scott asked when the Planning Board will be formally presenting the UDO to the Council. Gary Parker advised during the August 6, 2012 meeting.

Recycling Program

Councilwoman Joseph advised that Brunswick County has initiated a recycling program that will begin on August 1, 2012. The cost is \$77.04 per year and includes bi-weekly pickup. For more information please visit www.brunsko.net.

Fireworks

Councilwoman Scott reminded everyone of the dangers from fireworks and the fines associated with setting off fireworks within Town limits.

Boat Ramp/Fishing Pier

The audience was advised that the Boat Ramp and Fishing Pier are now open to the public.

Agenda Amendments

Mayor Pro-Tem DeVita added to the Agenda Consideration of Amendment of Chapter 91 Civil Emergencies. Councilman Williams added to the Agenda Merchants Request for Advertising Funding. Gary Parker added to the Agenda Bridge Landscaping Proposal and Consideration of Contracting with Tim Cate to Monitor Landscaping Installation.

Monthly Meeting
7:00 pm

Call to Order & Pledge of Allegiance

Mayor Cerrato called the monthly Meeting to order and the Pledge of Allegiance was recited. Mayor Cerrato stated "Does any member of the Council have a conflict of interest or the appearance of a conflict of interest with regard to any item on the agenda, and if so, please state so at this time?" No one spoke.

Presentation of Awards to Former Fire Chief Chris Barbee

Mayor Cerrato and the Council presented awards to Former Fire Chief Chris Barbee for his many years of service to the Town.

Public Comments

Richard Hilderman 407 37th Street – Spoke in opposition of terminal groins.

Consent Agenda Approval

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE THE FOLLOWING CONSENT AGENDA AS PRESENTED.

1. Minutes:
 - a) May 7, 2012 Regular Meeting Minutes
 - b) May 15, 2012 Work Session Minutes
 - c) May 15, 2012 Budget Work Session Minutes
 - d) May 24, 2012 Budget Work Session Minutes
 - e) June 4, 2012 Regular Meeting Minutes
 - f) June 19, 2012 Special Meeting Minutes
2. Departmental Reports:
 - a) Police
 - b) Public Works
 - c) Building Inspections
 - d) Fire
3. Disposition of Directives
 - a) Preliminary Assessment Notice appeared in Brunswick Beacon – 11/16/11
 - b) Preliminary Assessment Notice and Resolution mailed to affected property owners – 11/16/11
 - c) Preliminary Assessment Resolution Public Hearing held – 12/05/11
 - d) BEMC informed to begin underground project – 12/9/11
 - e) Ordinance 50.03 prepared for Municode – 01/24/12; 130.09, 130.12, 130.14 prepared for Municode – 04/18/12; 130.15 prepared for Municode – 06/06/12
 - f) Request letter mailed to NC DOT concerning repaving of Main St. – 02/28/12; Received NC DOT acknowledgement letter – 03/05/12
 - g) Set up Meeting with NC DOT for Bridge Landscaping Plan approval and funding – Meeting set for 02/27/12 and held; DOT in process of defining project area for landscaping; Resolution mailed to NCDOT 04/05/12; NC DOT defined project area 04/23/12; Agreement rec'd from NCDOT for Council consideration – 05/17/12, Agreement signed and returned 06/06/12; Tim Cates working on revised map

Consent Agenda Approval (Cont.)

- h) Letter to Governor concerning HB925 mailed 06/06/12
 - i) Letter to Ronald Holden concerning parking mailed – 06/11/12
 - j) Dirt Street Maintenance Cost vs. Paving Dirt Streets Analysis – Began 06/20/12
 - k) Community Meeting - Dates selection in progress
4. Departmental Updates

COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Old Business

Community Meeting Schedule Update

The Council reviewed the planned Community Meetings schedule:

July 19	Regency/Colony I & II	7:00 p.m.
July 24	Sandpiper Bay	3:00 p.m.
July 31	Sunset Village Condos/Cobblestone Village	3:00 p.m.
August 8	Cape Side/Wyndfall	7:00 p.m.
August 13	Seaside Station – <i>Sea Trails POA Building</i>	3:00 p.m.
August 14	Dock Street/Village Park	3:00 p.m.
August 15	Sea Trail @ Pink Palace	7:00 p.m.
August 23	Seaside Station @ <i>Sea Trails POA Building</i>	3:00 p.m.
<i>(East Shoreline & streets off of it; Shoreline Woods; Waterway Estates; Waterway Drive)</i>		
September 5	West Shoreline/Canal Ave	7:00 p.m.
September 13	Bonaparte's Retreat/Twin Lakes	10:00 a.m.
September 14	Island	3:00 p.m.

All meetings will be held at Sandpiper Bay Residents Center unless otherwise noted. All meetings are open to the public.

Annual Report Update

Lisa Anglin, Town Clerk, advised that the Draft Annual Report is nearing completion and will be placed on the July 17th Work Session agenda for review.

Jaguar's Lair Agreement Update

Councilwoman Joseph advised that a few meetings have been held and progress is being made. The group has discussed mutual goals and has agreed upon what infrastructure has been completed thus far.

Sewer Report Update

Councilwoman Scott advised that a meeting was held with County officials to address the Council and citizen's concerns with regard to the sewer system installation including the control panels, alarm boxes, etc. Councilwoman Scott advised that the next public sewer meeting is scheduled for July 18, 2012 at 3:00 pm.

Old Business (Cont.)

Tax Issue Concerning Take Home Vehicles Discussion

The Council reviewed and discussed information concerning taxable fringe benefits - take home vehicles. The Council agreed that the take home vehicles utilized by police and fire personnel meet exempt status as defined by the IRS. The Council discussed the circumstances surrounding the take home vehicles for the Public Works Director and the Chief Building Inspector. The Council reached a consensus that the take home vehicles would be considered taxable to both the Public Works Director and the Chief Building Inspector and that both would be compensated for the expense.

COUNCILWOMAN SCOTT MADE A MOTION TO BEGIN REPORTING THE PUBLIC WORKS DIRECTOR AND CHIEF BUILDING INSPECTOR TAKE HOME VEHICLES AS A TAXABLE FRINGE BENEFIT AND TO INCREASE THE SALARY OF BOTH TO COMPENSATE FOR THE EXPENSE. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Salary Range Adjustments by COLA Discussion

Gary Parker advised that the salary ranges have not been adjusted by the COLA in the last three (3) years. Councilman Sherrill and Mayor Pro-Tem DeVita advised that in comparison to the peer municipalities salary ranges, Sunset Beach ranges should be at least 5% to 10% higher than the peer group ranges due to the secondary duties performed by Sunset Beach staff that is performed by multiple staff members within the peer municipalities. Councilwoman Scott disagreed with the peer municipalities chosen for the salary study, believes that Town salary ranges are too high in comparison to geographical municipalities and does not think that Town responsibilities justify salaries set 10% over the maximum peer salaries.

MAYOR PRO-TEM DEVITA MADE A MOTION TO COMPARE THE TOWN SALARY RANGES TO THE PEER MUNICIPALITIES SELECTED FOR THE SALARY STUDY TO ENSURE THAT THE SUNSET BEACH SALARY RANGES ARE 5% TO 10% HIGHER THAN THE PEER GROUPS, IF NOT THE SUNSET BEACH SALARY RANGES WILL BE INCREASED TO ESTABLISH THAT THRESHOLD. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE. MAYOR PRO-TEM DEVITA, COUNCILMAN WILLIAMS, COUNCILMAN SHERRILL AND COUNCILWOMAN JOSEPH VOTED YES. COUNCILWOMAN SCOTT VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Consideration of Comments from Sunset Beach Concerning the draft EIS for a Terminal Groin at Figure 8 Island

The Council reviewed the draft letter to be sent to Mr. Mickey Sugg, Regulatory Project Manager, US Army Corps of Engineers, which raises significant concerns and issues with the Figure 8 Island proposed Terminal Groin Environmental Impact Statement.

COUNCILWOMAN SCOTT MADE A MOTION TO APPROVE THE LETTER AS WRITTEN. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Bridge Landscaping Proposal & Consideration of Contracting with Tim Cate to Monitor Landscaping Installation

Gary Parker advised the Council that the final plan for the bridge landscaping, designed by Tim Cate, has been received and approved by NC DOT. Gary Parker advised that NC DOT plans to award the bid

Old Business (Cont.)

Bridge Landscaping Proposal & Consideration of Contracting with Tim Cate to Monitor Landscaping Installation (Cont.)

contract on or about July 18, 2012 with land preparation including irrigation installation to begin in early August; plantings will occur in the spring of 2013. Gary Parker requested permission to negotiate a contract with Tim Cate to serve as a monitor, advisory and liaison for the Town during the site preparation, plantings and one year maintenance agreement with NC DOT. The Council reached a consensus and permission was granted.

Park Survey

Gary Parker distributed the proposed Park survey to the Council for review. The Council will review overnight and contact Gary Parker with additional changes tomorrow.

New Business

Consideration of Adoption of a Proclamation of Recognition for David Kessler for Cultivating the "Sunset Beach Orchid"

COUNCILWOMAN JOSEPH MADE A MOTION TO ADOPT THE PROCLAMATION OF RECOGNITION FOR DAVID KESSLER FOR CULTIVATING THE "SUNSET BEACH ORCHID". COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Acceptance of the Nine (9) Ponds Maintenance Proposal and Authorize the Town Administrator to sign the Contract

The Council reviewed the maintenance proposals received for the nine (9) ponds located in Shoreline Woods and Seaside Station. Councilman Sherrill informed the Council that the Lakeshore Woods lakes were included in the deed that granted the Shoreline Woods and Seaside Station pond maintenance easements and that Council should consider adding the maintenance of the Lakeshore Woods lakes during the 2013/2014 budget. Currently the Town contributes to the Lakeshore Woods POA for the maintenance of the lakes.

COUNCILWOMAN JOSEPH MADE A MOTION TO ACCEPT THE CONTRACT FROM AQUATICO, INC FOR THE MAINTENANCE OF THE NINE (9) PONDS IN SHORELINE WOODS AND SEASIDE STATION. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Acceptance of the Planning Consultant Proposal and Authorize the Town Administrator to sign the Contract

COUNCILWOMAN SCOTT MADE A MOTION TO ACCEPT THE PLANNING CONSULTANT PROPOSAL FROM HOLLAND CONSULTING PLANNERS TO PROVIDE PLANNING CONSULTANT SERVICES FOR A PERIOD OF ONE YEAR. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Text Amendments to Chapter 91 Civil Emergencies

Mayor Pro-Tem DeVita advised the Council that Chapter 91 Civil Emergencies allows the Mayor to take certain actions and make certain decisions in emergency situations. Mayor Pro-Tem DeVita stated that since this Council has previously removed all of the Mayor's authority except those defined in the

New Business (Cont.)

Consideration of Text Amendments to Chapter 91 Civil Emergencies (Cont.)

NC General Statutes an amendment is needed. Mayor Pro-Tem DeVita recommended that the Council amend Chapter 91 Civil Emergencies to empower the Council with the necessary authority instead of the Mayor. Attorney Isenberg advised that recent General Assembly action has taken place concerning Civil Emergencies and requested Council to consider postponing this decision until the July 17, 2012 Work Session in order for him to review the changes in the state law. The Council agreed to postpone action until the July 17th Work Session.

Merchant Request for Advertising Funds

Susan McDonald, Sunset Beach merchant, addressed the Council requesting Town participation with the merchants to purchase advertisement space in the Brunswick Beacon in an upcoming edition. After discussion, the Council reached a consensus to wait until the Business Reception is held later this year and the merchants present the Town with an organized advertising plan for possible funding by the Town.

Public Comments

Mary Lucas 445 Lake Shore Drive – Addressed the Council concerning vacant lots that are not being maintained by the owners.

Conrad Stout 328 Heather Drive – Questioned if the Jaguar's Lair restrictions require the developer to maintain the golf course as a golf course or could all of the property be developed for housing.

Charles Nern 647 Oyster Bay Drive – Questioned why trash cans were remaining on the streets for days after the scheduled pick up if the Town has hired someone to roll the carts back.

Adjournment

MAYOR PRO-TEM DEVITA MADE A MOTION TO ADJOURN THE JULY 2, 2012 COUNCIL MEETING. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Town of Sunset Beach

Richard Cerrato, Mayor

Submitted by:

Lisa Anglin, Town Clerk

*The July 2, 2012 minutes were approved at the September 10, 2012 Regular Meeting.